

1 BILL NO. S-79-09- //

2 SPECIAL ORDINANCE NO. S- 161-79.

3
4 ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE
5 TO USSE ITS "ECONOMIC DEVELOPMENT FIRST MORTGAGE
6 REVENUE BONDS, SERIES 1979 (FORT WAYNE POOLS, INC.
7 PROJECT)" and APPROVING OTHER ACTIONS IN RESPECT
8 THERETO.

9 WHEREAS, the Fort Wayne Economic Development Commission has
10 rendered its Project Report for the Fort Wayne Pools, Inc. Project
11 regarding the financing of proposed economic development facilities
12 for Fort Wayne Pools, Inc. and the Fort Wayne Planning Commission
13 has commented favorably thereon; and

14 WHEREAS, the Fort Wayne Economic Development Commission con-
15 ducted a public hearing on June 15, 1979, and also adopted a
16 resolution on September 11, 1979, which Resolution has been
17 transmitted hereto, finding that the financing of certain
18 economic development facilities of Fort Wayne Pools, Inc. complies
19 with the purposes and provisions of I.C. 18-6-4.5 and that such
20 financing will be of benefit to the health and welfare of the
21 City of Fort Wayne and its citizens; and

22 WHEREAS, the Fort Wayne Economic Development Commission has
23 heretofore approved and recommended the adoption of this form of
24 Ordinance by this Common Council and has approved the forms of and
25 has transmitted for approval by the Common Council the Loan Agree-
26 ment, Series 1979 Note, Mortgage and Indenture of Trust and
27 Official Statement; now therefore,

28 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
29 WAYNE, INDIANA THAT:

30 Section 1. It is hereby found that the financing of the
31 economic development facilities referred to in the Loan Agreement
32 approved by the Fort Wayne Economic Development Commission and
presented to this Common Council, the issuance and sale of revenue
bonds, the loan of the proceeds of said revenue bonds to Fort

1 Wayne Pools, Inc. for the acquisition and construction of such
2 facilities and the equipping thereof, the payment of said series
3 of revenue bonds by the note payments of Fort Wayne Pools, Inc.
4 under the Loan Agreement and Series 1979 Note, the securing of said
5 bonds by the mortgaging of such facilities to the Trustee under
6 the Mortgage and Indenture of Trust, complies with the purposes
7 and provisions of I.C. 18-6-4.5 and will be of benefit to the
8 health and welfare of the City of Fort Wayne and its citizens.

9 Section 2. The final forms of the Loan Agreement, Series
10 1979 Note, Mortgage and Indenture of Trust and Official Statement
11 approved by the Fort Wayne Economic Development Commission are
12 hereby approved and all such documents (herein collectively
13 referred to as the "Financing Agreement" referred to in I.C.
14 18-6-4.5), shall be incorporated herein by reference and shall be
15 inserted in the minutes of the Common Council and kept on file by
16 the Clerk.

17 Section 3. The City of Fort Wayne shall issue its Economic
18 Development Revenue Bonds, Series 1979 (Fort Wayne Pools, Inc.
19 Project), in the total principal amount of Two Million Nine
20 Hundred Thousand (\$2,900,000) for the purpose of procuring funds
21 to pay the costs of acquisition, construction and equipping of the
22 economic development facilities as more particularly set out in
23 the Mortgage and Indenture of Trust and Loan Agreement incorporated
24 herein by reference, which bonds will be payable as to principal,
25 premium, if any, and interest from the note payments made by
26 Fort Wayne Pools, Inc. under the Loan Agreement, and the Series
27 1979 Note, or as otherwise provided in the above described Mortgage
28 and Indenture of Trust. The Bonds shall never constitute a general
29 obligation of, an indebtedness of, or a charge against the general
30 credit of the City of Fort Wayne.

31 Section 4. The Mayor, Clerk and/or Controller are authorized
32 and directed to sell such bonds to the underwriters at a rate of

1 interest on the bonds not to exceed 9% per annum and at a price
2 not less than 97% of the principal amount thereof.

3 Section 5. The distribution of the Official Statement by the
4 underwriter to potential bond purchasers is hereby authorized,
5 ratified and approved.

6 Section 6. The Mayor and Clerk are authorized and directed
7 to execute the documents constituting the Financing Agreement
8 approved herein on behalf of the City and any other document which
9 may be necessary or desirable to consummate the transaction, in-
10 cluding the bonds authorized herein. The signatures of the Mayor
11 and Clerk on the bonds may be facsimile signatures. The Clerk is
12 authorized to arrange for delivery of such Bonds to the Trustee
13 named in the Mortgage and Indenture of Trust, payment for which
14 will be made to the Trustee named in the Mortgage and Indenture
15 of Trust and delivered by the Trustee to the underwriter.

16 Section 6. The provisions of this Ordinance and the Mortgage
17 and Indenture of Trust securing the bonds shall constitute a
18 contract binding between the City of Fort Wayne and the holder
19 of the Economic Development Revenue Bonds, Series 1979 (Fort
20 Wayne Pools, Inc. Project), and after the issuance of said bonds,
21 this Ordinance shall not be repealed or amended in any respect
22 which would adversely affect the rights of such holders so long
23 as any of said bonds or the interest thereon remains unpaid.

24 Section 7. This Ordinance shall be in full force and effect
25 from and after its passage and signing by the Mayor.

26 Passed and adopted this ____ day of September, 1979.

27 FORT WAYNE COMMON COUNCIL

28
29 Viggo A. Schmidt
30 City Councilwoman
31 _____
32 _____

1 Attest:

2
3 _____
4 Clerk

5 Presented by me to the Mayor of the City of Fort Wayne,
6 Indiana, on this ____ day of September, 1979.
7

8
9 _____
10 Clerk

11 Approved and signed by me on this ____ day of September,
12 1979.
13

14 _____
15 Mayor, City of Fort Wayne

16 Attest:

17
18 _____
19 Clerk
20
21
22
23
24
25
26
27
28
29
30
31
32



Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: _____

CITY CLERK

Read the third time in full and on motion by V. Schmidt, seconded by Stier, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>8</u>	<u>0</u>	_____	<u>1</u>	_____
BURNS	<u>X</u>	_____	_____	_____	_____
HINGA	_____	_____	_____	<u>X</u>	_____
HUNTER	<u>X</u>	_____	_____	_____	_____
MOSES	<u>X</u>	_____	_____	_____	_____
NUCKOLS	<u>X</u>	_____	_____	_____	_____
SCHMIDT, D.	<u>X</u>	_____	_____	_____	_____
SCHMIDT, V.	<u>X</u>	_____	_____	_____	_____
STIER	<u>X</u>	_____	_____	_____	_____
TALARICO	<u>X</u>	_____	_____	_____	_____

DATE: 9-11-79

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE
(RESOLUTION) No. S-161-79 on the 11th day of September, 1979.
ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

Winful C. Wagoner, Jr.
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of September, 1979, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 13th day of September, 1979 at the hour of 3 o'clock _____ M., E.S.T.

Robert E. Humphrey
MAYOR

SUSPENSION OF RULES

BILL NO. S-79-09-11

Councilman Common V. Schmidt, moved to suspend the rules on passage of BILL NO. S-79-09-11, at this meeting of September 11, 1979, of the Common Council of the City of Fort Wayne, Indiana. Said motion was seconded by Councilman

Hunter, and duly passed by unanimous vote of all legally elected members of the said Common Council.

The above BILL and Special ORDINANCE was accordingly placed on its passage.

DATE: 9-11-79

Charles W. Westerman

CITY CLERK

Winfield C. Wingo Jr.

PRESIDING OFFICER

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>BURNS</u>	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HINGA</u>	<u> </u>	<u> </u>	<u> </u>	<u>X</u>	<u> </u>
<u>HUNTER</u>	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>MOSES</u>	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>NUCKOLS</u>	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>D. SCHMIDT</u>	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>V. SCHMIDT</u>	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-161-79

ATTEST:

(SEAL)

DATE: 9-11-79

Charles W. Westerman

CITY CLERK